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September 28, 2006

FACSIMILE TRANSMISSION COVER SHEET

To: PCT Legal Administration

Fax: 571-273-0459

From: James A. Oliff

Your Ref.: 10/566,607

Our Ref.: 126868

Number of Pages Sent (Including cover sheet): 13

Prepared By: emt

Comments:

Sent By:

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RECEIVED

29 SEP 2006

Legal Staff
International Division

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

ATTENTION:

Masateru NAKAMURA

Mail Stop PCT Legal Administration

Application No.: 10/566,607

Filed: January 31, 2006

Docket No.: 126868

For: METHOD OF PRODUCTION OF SILICON CARBIDE SINGLE CRYSTAL

PETITION UNDER 37 CFR 1.181

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The original Official Filing Receipt in the above-identified application indicated a filing date of July 21, 2006. This Petition requests that a new Official Filing Receipt be issued in this application, properly indicating the filing date as January 31, 2006.

This application was initially timely filed as a PCT-U.S. National Phase application on January 31, 2006. Concurrently, Applicants filed an executed Declaration of the inventors on January 31, 2006, which completed all of the requirements under 35 U.S.C. §371.

On June 23, 2006, A Notification of Missing Requirements was issued, requiring submission of the executed Declaration of the inventors. On July 21, 2006, Applicants timely responded to the Notification of Missing Requirements, indicating that the executed Declaration was previously filed January 31, 2006, and providing a copy of the executed Declaration as well as the date-stamped postcard receipt acknowledging receipt thereof on January 31, 2006.

Accordingly, the indicated filing date on the Official Filing Receipt, July 21, 2006, corresponds to the date on which Applicants responded to the Notification of Missing Requirements and provided a duplicate copy of the previously-filed executed Declaration of the inventors. However, the indicated filing date on the Official Filing Receipt should be January 31, 2006, the date on which Applicants originally filed the executed Declaration of the inventors.

Applicants were informed that in order to make this correction, the instant Petition was required.

A copy of the executed Declaration as filed, a copy of the Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Filing Under 35 U.S.C. 371 and a copy of the stamped postcard receipt are attached hereto.

Applicants respectfully request the filing date be correctly identified as January 31, 2006 and that a new Official Filing Receipt be issued reflecting the correct filing date.

RECEIVED

29 SEP 2006

Legal Staff
International Division

Application No. 10/566,607

The Commissioner is hereby authorized to charge any additional fee (or credit any overpayment) associated with this communication to Deposit Account No. 15-0461. Two duplicate copies of this paper are attached.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

David R. Kemeny
Registration No. 57,241

JAO:DRK/ent

Date: September 29, 2006

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

**DEPOSIT ACCOUNT USE
AUTHORIZATION**

Please grant any extension
necessary for entry;
Charge any fee due to our
Deposit Account No. 15-0461

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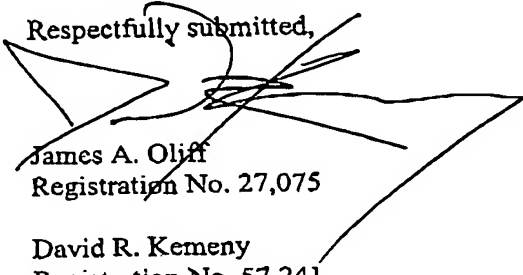
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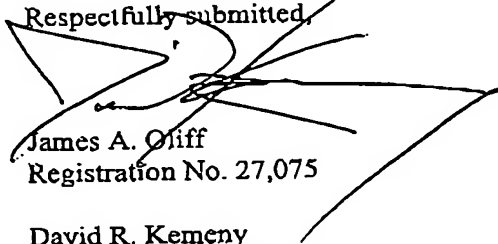
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--

(Oliff)

P105D/1061:400

Approved for use through 10/21/02. OLS-01 06/11-00-22
 Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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Declaration and Power of Attorney for Patent Application

特許出願宣言書及び委任状

Japanese Language Declaration

日本語宣言書

私は、以下に記名された発明者として、ここに下記の通り宣言する：

As a below named inventor, I hereby declare that:

私の住所、郵便の元先として国等は、私の氏名の後に記名された通りである。

My residence, post office address and citizenship are as stated next to my name.

下記の名称の発明について、特許請求範囲に記載され、且つ特許が求められている発明主題に関して、私は、最初、および唯一の見聞者である（唯一の氏名が記載されている場合）か、或いは最初、および共同発明者である（複数の氏名が記載されている場合）と信じている。

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

METHOD OF PRODUCTION OF SILICON

CARBIDE SINGLE CRYSTAL

上記発明の明細書はここに添付されているが、下記の箱がチェックされている場合は、この限りでない：

the specification of which is attached hereto unless the following box is checked:

☐ _____ の日に出版され、
 この出版の米国出版番号またはPCT国際出版番号は、
 _____ であり、且つ
 _____ の日に補正された出版（該当する場合）

☒ was filed on November 19, 2004
 as United States Application Number or
 PCT International Application Number
PCT/JP2004/017652 and was amended on
 _____ (if applicable).

私は、上記の補正書によって補正された、特許請求範囲を含む上記明細書を検討し、且つ内容を理解していることをここに表明する。

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

私は、五項規則法第37条規則1.56に定められている、特許法について重要な情報を開示する義務があることを認める。

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the need of the individual case. Any comments on the amount of time you are required to complete this form should be sent to Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner of Patents and Trademarks, Washington, DC 20231.

PTO 5D/106 (3-00)

Appr for use through 10/31/02, CI-01 (4-1)-0032

Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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Japanese Language Declaration (日本語宣言書)

私は、ここに、以下に記述した外国での特許出願または発明者証の出願、或いは米国以外の少なくとも一國を指定している米国法第35条第365条(a)によるPCT国際出願について、同第119条(a)(4)項又は第365条(a)項に基づいて優先権を主張するとともに、優先権を主張する本出願の出願日より前の出願日を有する外国での特許出願または発明者証の出願、或いはPCT国際出願については、いかなる出願も、下記の枠内をチェックすることにより示した。

I hereby claim foreign priority under Title 35, United States Code, Section 119(a)-(4) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(b) of any PCT International application which designated at least one country other than the United States listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application for which priority is claimed

Prior Foreign Application(s)

外国での先行出願

Priority Not Claimed

優先権主張なし

2003-394083 (Pat. Appln.) Japan

25/November/2003

(Number)
(番号)(Country)
(国名)(Day/Month/Year Filed)
(出願日/月/年)(Number)
(番号)(Country)
(国名)(Day/Month/Year Filed)
(出願日/月/年)

私は、ここに、下記のいかなる米国仮特許出願についても、その米国法第35条第119条(a)項の利益を主張する。

I hereby claim the benefit under Title 35, United States Code, Section 119(c) of any United States provisional application(s) listed below.

(Application No.)
(出願番号)(Filing Date)
(出願日)(Application No.)
(出願番号)(Filing Date)
(出願日)

私は、ここに、下記のいかなる米国出願についても、その米国法第35条第120条に基づく利益を主張し、又米国を指定するいかなるPCT国際出願についても、その同第365条(a)に基づく利益を主張する。また、本出願の特許請求の範囲の主題が、米国法第35条第112条第1段に規定された態様で、先行する米国出願又はPCT国際出願に開示されていない場合においては、その先行出願の出願日と本国内出願日またはPCT国際出願日との間の期間中に入りとれた情報で、述其規則法典第37条規則1.56に定義された特許性に関わる重要な情報について開示内容があることを承認する。

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s), or 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code Section 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of application.

(Application No.)
(出願番号)(Filing Date)
(出願日)(Status: Patented, Pending, Abandoned)
(現況: 特許許可、待居中、放棄)(Application No.)
(出願番号)(Filing Date)
(出願日)(Status: Patented, Pending, Abandoned)
(現況: 特許許可、待居中、放棄)

私は、ここに表明された私自身の知識に係わる陳述が真実であり、且つ信頼と信ずることに基づく陳述が、真実であると信じられることを宣言し、さらに、故意に虚偽の陳述などを行った場合は、米国法典第18条第1001条に基づき、罰金または拘禁、若しくはその両方により処罰され、またそのような故意による虚偽の陳述は、本出願またはそれに対して発行とれるいかなる特許も、その有効性に関与が生ずることを理解した上で陳述が行われたことを、ここに宣言する。

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

P1050/116(3-00)

App. for use through 10-31-02. CID 0631-0012

Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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Japanese Language Declaration (日本語宣言書)

委託： 私は本出願を代表する手続を行い、且つ米国特許局と
の全ての業務を遂行するために、記述された発明者として、下記の引
込士及び/または弁護士を任命する。(氏名及び登録番号を記入す
ること)

POWER OF ATTORNEY: As a named inventor, I hereby appoint
the following attorney(s) and/or agent(s) to prosecute the
application and transact all business in the Patent and Trademark Office
connected therewith (list name and registration number)

James A. Oliff, REG. No. 27,075; William P. Berridge Reg. No. 30,024; Thomas J. Pardini
Reg. No. 30,411; Joel S. Armstrong Reg. No. 36,430; Mario Costantino Reg. No. 33,565
委託先

OLIFF & BERRIDGE
P.O. BOX 19928
ALEXANDRIA, VIRGINIA 22320
USA
Telephone No. 703-836-6400

面談に出席する： (氏名及び電話番号)

Direct Telephone Calls to: (name and telephone number)

唯一または第一発明者氏名		Full name of sole or first inventor	
Masateru Nakamura			
発明者の署名	日付	Inventor's signature	Date
		Masateru Nakamura	January 18, 2006
住所	Residence		
	Toyota-shi, Aichi, Japan		
国籍	Citizenship		
	Japanese		
郵便の元	Post Office Address		
	c/o TOYOTA JIDOSHA KABUSHIKI		
	KALSHA, 1, Toyotacho, Toyota-shi, Aichi 471-8571, Japan		
第二共同発明者がいる場合、その氏名		Full name of second joint inventor, if any	
第二共同発明者の署名	日付	Second inventor's signature	Date
住所	Residence		
国籍	Citizenship		
郵便の元	Post Office Address		

(第三以下の共同発明者についても同様に記載し、署名を
すること)

(Supply similar information and signature for third and subsequent
joint inventors.)

FORM PTO-1390 (REV. 01-2003)		US DEPARTMENT OF COMMERCE PATENT & TRADEMARK OFFICE		ATTORNEY'S DOCKET NUMBER 126868	
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371				U.S. APPLICATION NO. (If known, see 37 CFR 1.5) New U.S. Patent Application	
INTERNATIONAL APPLICATION NO. PCT/JP2004/017652		INTERNATIONAL FILING DATE November 19, 2004		PRIORITY DATE CLAIMED November 25, 2003	
TITLE OF INVENTION METHOD OF PRODUCTION OF SILICON CARBIDE SINGLE CRYSTAL					
APPLICANT(S) FOR DO/EO/US Masateru NAKAMURA					
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:					
<ol style="list-style-type: none"> 1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371. 2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371. 3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below. 4. <input checked="" type="checkbox"/> The US has been elected (Article 31). 5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) <ol style="list-style-type: none"> a. <input checked="" type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> has been communicated by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). 6. <input checked="" type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)) <ol style="list-style-type: none"> a. <input type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). c. <input checked="" type="checkbox"/> The International Application was filed in English. 7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) <ol style="list-style-type: none"> a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input type="checkbox"/> have not been made and will not be made. 8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). 9. <input checked="" type="checkbox"/> An oath or declaration of the inventor (35 U.S.C. 371(c)(4)). 10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)). 					
Items 11 to 20 below concern document(s) or information included:					
<ol style="list-style-type: none"> 11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. 12. <input checked="" type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. 13. <input checked="" type="checkbox"/> A preliminary amendment. 14. <input checked="" type="checkbox"/> An Application Data Sheet under 37 CFR 1.76. 15. <input type="checkbox"/> A substitute specification. 16. <input checked="" type="checkbox"/> A power of attorney and/or change of address letter. 17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825. 18. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4). 19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4). 20. <input checked="" type="checkbox"/> International Search Report. 					

U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5) New U.S. Patent Application		INTERNATIONAL APPLICATION NO. PCT/JP2004/017652		ATTORNEY'S DOCKET NUMBER 126868	
21. <input checked="" type="checkbox"/> The following fees are submitted:				CALCULATIONS PTO USE ONLY	
BASIC NATIONAL FEE (37 CFR 1.492(a)): \$ 300.00				\$300.00	
SEARCH FEE (37 CFR 1.492(b)(1)-(3)):				\$400.00	
International preliminary examination report or written opinion prepared by the USPTO as IPEA or ISA and favorable as to novelty, inventive step, and industrial applicability for all claims presented in the application entering the national stage \$ 0.00					
International search fee (37 CFR 1.445(a)(2)) paid to USPTO as ISA \$ 100.00					
International search report provided to USPTO no later than the time at which the search fee is paid \$ 400.00					
All situations not provided for above \$ 500.00					
EXAMINATION FEE (37 CFR 1.492(c)(1)-(2)):				\$200.00	
International preliminary examination report or written opinion prepared by the USPTO as IPEA or ISA and favorable as to novelty, inventive step, and industrial applicability for all claims presented in the application entering the national stage \$ 0.00					
All situations not provided for above \$ 200.00					
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$	
TOTAL PAGES OF APPLICATION OVER 100 (- 100)	0 ÷ 50	= 10	x 250 =	\$0	
Round up to next integer					
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$	
TOTAL CLAIMS	11 - 20	= 0	x 50.00 =	\$0	
INDEPENDENT CLAIMS	2 - 3	= 0	x 200.00 =	\$0	
MULTIPLE DEPENDENT CLAIM(S)(if applicable)			+ 360.00 =	\$	
TOTAL OF ABOVE CALCULATIONS =				\$900.00	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$	
SUBTOTAL =				\$900.00	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$	
TOTAL NATIONAL FEE =				\$900.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +				\$	
TOTAL FEES ENCLOSED =				\$900.00	
				Amount to be refunded:	\$
				charged:	\$
a. <input checked="" type="checkbox"/> Check No. 175900 in the amount of \$900.00 to cover the above fees is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$_____ to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>15-0461</u> . A duplicate copy of this sheet is enclosed. d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.					
NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status. SEND ALL CORRESPONDENCE TO: OLIFF & BERRIDGE, PLC Customer Number: 25944					
Date <u>January 31, 2006</u>			NAME: James A. Oliff REGISTRATION NUMBER: 27,075 NAME: Joel S. Armstrong, REGISTRATION NUMBER: 36,430		

PTO RECEIPT FOR FILING OF PAPERS

The following papers have been filed:

PCT t; ck 175900 (\$900); PRELIM; 31 pp. spec/11 claims/abst; 9 pp. form draw (figs 1-10);
PCT Request; dec; assign t; ck 175892 (\$40); assign; ids; 1449; 3 ref; 2 abst; 2 trans; ISR;

Name of Applicant: Masateru NAKAMURA

Serial No.: New U.S. Patent Application

Atty. File No.: 126868

Title (New Cases): METHOD OF PRODUCTION OF SILICON CARBIDE SINGLE
CRYSTAL

Sender's Initials: JAO/per

104/14

NEW APPLICATION

PATENT OFFICE DATE STAMP



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